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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/723,567 | 11/25/2003 | Frank Saccia | | 9941 |
| 7590 | 06/05/2006 | | EXAMINER | |
| Frank Saccia 23036 Rio Lobos Road Diamond Bar, CA 91765 | | | WU, XIAO MIN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2629 | |

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/723,567 | SACCA ET AL. | |
| | Examiner | Art Unit | |
| | XIAO M. WU | 2629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 November 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the elements in Fig. 2 have not been labeled. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Masaki et al. (US Patent No. 5,159,321).

As to claim 1, Masaki discloses an apparatus to determine position coordinates from sensing linear acceleration relative to space (inertia), comprising: a linear acceleration sensor (45, Fig. 10); and an integrator (47, Fig. 10), wherein the acceleration is integrated at a rate appropriate for the resolution of the position coordinate (see col. 6, lines 46-60).

As to claim 2, Masaki discloses the apparatus of claim 1 further including an analog-to-digital converter (48, Fig. 10l; also see col. 6, lines 16-40).

As to claim 5, Masaki discloses a method to determine position coordinates from sensing linear acceleration relative to space (inertia), comprising: detecting acceleration (45, Fig. 10); and integrating said acceleration into position (47, Fig. 10), wherein said acceleration is integrated at a rate appropriate for the resolution of the position coordinate (see col. 6, lines 46-60).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al. (US Patent No. 5,159,321) in view of Kobayashi (US Patent No. 4,737,773).

As to claim 3, it is noted that Masaki does disclose a digital adder. Kobayashi is cited to teach digital pen device similar to Masaki. Kobayashi further discloses a digital processing circuit including an adder (see 50x, 50y, Figs. 5a, 5b). It would have been obvious to one of

ordinary skill in the art to have modified Masaki with the features of the adder as taught by Kobayashi so as to adjust the output of the position data with respect to the x and y coordinates.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al. (US Patent No. 5,159,321) in view of Persidsky (US Patent No. 6,130,666).

As to claim 4, it is noted that Masaki does not disclose a disable button operated externally by the user to allow the pointer to be moved in space without a corresponding detection of motion. Persidsky is cited to teach a digital pen similar to Masaki. Persidsky further discloses the pen including a disable button (38, Figs. 1 and 3) operated externally by the user to allow the pointer to be moved in space without a corresponding detection of motion. It would have been obvious to one of ordinary skill in the art to have modified Masaki with the features of the disable button as taught by Persidsky so as to turn the pen on and off.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US Patents 4,839,838, 4,912,672 and 6,335,727 are cited to teach an input device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571-272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD HJERPE, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

x.w

May 23, 2006



XIAO M. WU
Primary Examiner
Art Unit 2629